

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GORGE ORTIZ,

Defendant.

NO. CR21-032-RSM

**PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Gorge Ortiz's interest in the following property (collectively, "Subject Property"):

- \$19,619 in United States currency, seized on or about January 5, 2021;
- \$1,320.00 in United States currency, seized on or about February 23, 2021, from Defendant's residence;
- \$386.00 in United States currency, seized on or about February 23, 2021, from a vehicle parked at Defendant's residence;
- \$180.00 in United States currency, seized on or about February 23, 2021, from Defendant's vehicle; and

- A black 2018 BMW M3 with VIN WBS8M9C54J5J78090.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- On February 17, 2021, Defendant was charged by Indictment with Conspiracy to Distribute Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and Distribution of Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2. Dkt. No. 1. The Indictment included forfeiture allegations providing notice of the United States' intent to forfeit, pursuant to 21 U.S.C. § 853, any property that constitutes or is traceable to proceeds of the offenses, as well as any property that facilitated the offenses. *Id.* at 6.
- On December 9, 2021, Defendant entered a plea of guilty to Conspiracy to Distribute Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846, a lesser-included offense of that charged in Count 1. Dkt. No. 68;
- In his Plea Agreement, Defendant agreed to forfeit any property, real or personal, that was used or intended to be used, in any manner or part to commit or to facilitate the commission of the offense and any property constituting or derived from, any proceeds Defendant obtained, directly or indirectly, as a result of the offense including, but not limited to, the Subject Property. Dkt. No. 68 ¶ 12; and,
- The Subject Property is forfeitable pursuant to 21 U.S.C. § 853, as proceeds obtained from or property that facilitated the offense to which Defendant entered a guilty plea.

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 21 U.S.C. § 853, as well as the Plea Agreement entered into by Defendant, Defendant's interest in the Subject Property is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3) The Department of Justice, Drug Enforcement Administration, and/or its authorized agents or representatives, shall maintain the Subject Property in its custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;

b. shall be signed by the petitioner under penalty of perjury; and,

c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the

1 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
2 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
3 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
4 adjudication; and,

5 7) The Court will retain jurisdiction for the purpose of enforcing this  
6 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
7 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
8 Fed. R. Crim. P. 32.2(e).

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10 IT IS SO ORDERED.

11  
12 DATED this 11<sup>th</sup> day of March, 2022.

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14 

15 RICARDO S. MARTINEZ  
16 CHIEF UNITED STATES DISTRICT JUDGE

17 Presented by:

18  
19 s/Jehiel I. Baer

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